

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 31.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28318 of 2015

and

M.P.No.1 of 2015

G.R.Prabhakar Raja

.. Petitioner

Versus

1. The Government of Tamil Nadu
Represented by its Secretary,
Town and Country Planning,
Fort St. George, Chennai - 9.
 2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 007.
 3. The Chief Executive Officer,
Koyambedu Market Committee,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- .. Respondents

(R3 suo moto impleaded as per order of this
Court dated 09.09.2015)

Prayer: This Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a writ of Mandamus, directing
the respondents to allot one shop in Type-II at Koyambedu Food
Grain whole sale Market to the petitioner.

For Petitioner : Mr.P.Sivamani

For Respondents : Mr.R.Rajeswaran (for R1)
Special Government Pleader

Mr.R.Rajasrinivas (for R2)

Mr.M.Velmurugan (for R3)

O R D E R

Heard Mr.P.Sivamani, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the first respondent, Mr.R.Rajasrinivas, learned counsel appearing for the second respondent and Mr.M.Velmurugan, learned counsel appearing for the third respondent, accepting notice on behalf of respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this writ petition to direct the respondents / CMDA to allot one shop in Type-II at Koyambedu Food Grain whole sale market.

3. From the counter affidavit filed by the second respondent CMDA, it is seen that the petitioner's father P.M.Venkatarathinam was issued an allotment confirmation letter dated 12.07.2013, and it appears that he was a defaulter and inspite of the reminders the dues were not cleared. It is stated that the arrears payable is Rs.46,55,944/-. Since the arrears were not cleared inspite of several reminders, the allotment was cancelled. It is further stated in the counter affidavit, based on the resolution passed by the Authority, 23 allottees have remitted the shop cost directly to CMDA account and inspite of those who have not paid beyond the due date have been cancelled vide cancellation order dated 30.06.2015, with a direction to collect the payments made by surrendering the original receipts. It is further stated that the petitioner is one among them as he is the son of the allottee Thiru. P.M.Venkatarathinam, who expired on 11.11.2011.

4. In the light of the stand taken by the CMDA, it is open to the petitioner to approach the CMDA as directed and work out his remedy.

5. With the observation the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Government of Tamil Nadu
Represented by its Secretary,
Town and Country Planning,
Fort St. George, Chennai - 9.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 007.

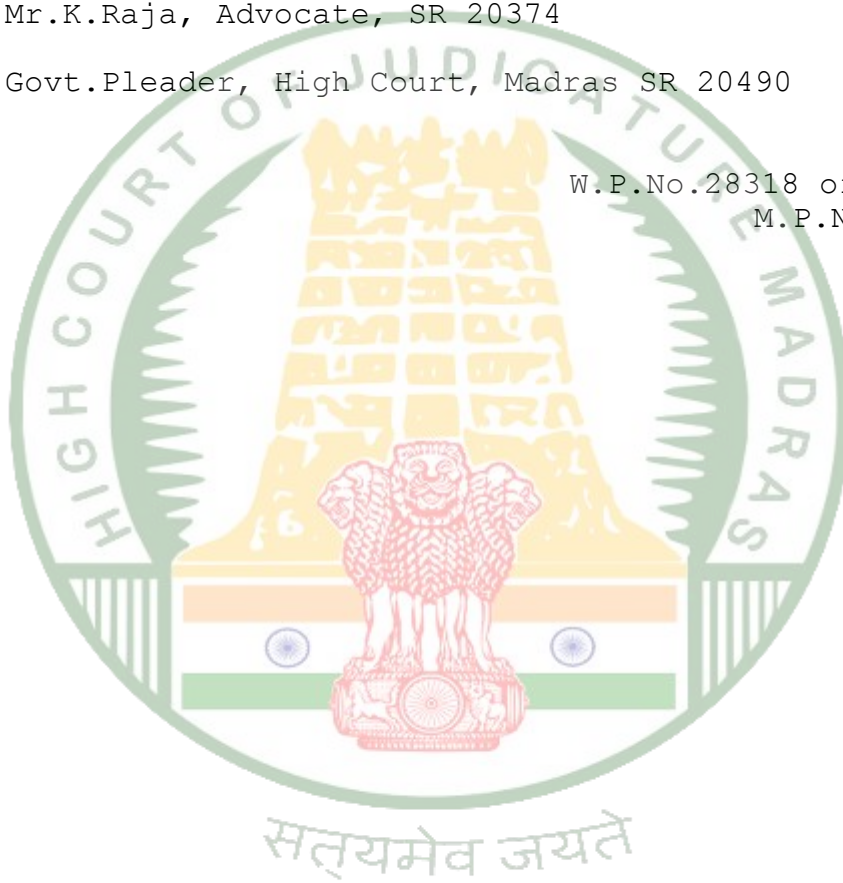
3. The Chief Executive Officer,
Koyambedu Market Committee,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

+ 1 cc to Mr.K.Raja, Advocate, SR 20374

+ 1 cc to Govt.Pleader, High Court, Madras SR 20490

ctk(co)
prk18/4

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